UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,830	10/24/2003	Matt Calkins	14917.0246US11/MS300390.3	1490

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EXAMINER
SANTIAGO, ENRIQUE L

ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/693,830	CALKINS ET AL.
	Examiner	**Art Unit**	
	Enrique L. Santiago	2628	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 May 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date<u>5/05, 11/03</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-9 are directed to functional descriptive material not stored in a computer readable media. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Comair et al. US patent no. 6,563,503 B1 in view of Cragun et al. US patent no. 6,937,950 B2 and further in view of French et al. US patent no. 6,266,053 B1.

-Regarding claim 1, Comair et al. teaches an animation infrastructure supporting timed modification of element property values (see column 9, lines 23-26 and 34-39), the animation infrastructure comprising: an animation object class providing a time-varying value definition (see column 9, lines 23-49) and including an interface 658 (see fig. 18, column 15, lines 1-7) supporting designating: animation behavior properties (see fig 7, column 10, lines 18-36); timing properties (see fig 7, column 10, lines 18-33); a set of commands controlling the progression of the animation (see figs. 2A, 6 and 9, column 9, line 66-column 10, line 16); a set of events for providing notifications relating to the status of the animation object (see figs. 6, 9 and 18, column 11, lines 9-65).

Comair et al. does not directly teach animation behavior properties comprising a to property specifying an ending animation value, a from property specifying a starting animation value, and a by property specifying a difference between the ending animation value and the starting animation value.

However in similar art Cragun et al. teaches said behavior properties (see fig. 5, column 8, lines 12-41).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to combine the properties of Comair and Cragun, because it would allow the system

to be configured to execute a notification program and perform an operation to determine an occurrence of a user-defined event, activating, according to user-specified configuration settings, at least one animated graphical object in response to the user-defined event, displaying the animated graphical object on the display, and modifying attributes of the displayed animated graphical object according to the user-specified configuration settings (see column 2, lines 27-44).

Comair et al. and Cragun et al. do not directly teach timing properties comprising a current time property configured to provide a current local time to a timeline for the animation object and a parent time line property configured to designate a timeline that is the timing parent of the animation object's timeline. However in similar art French et al. teaches timing properties comprising a current time property configured to provide a current local time to a timeline for the animation object (see figs. 1, 2 and 14, column 4, lines 51-53, column 7, lines 7-9 and 42-44) and a parent time line property configured to designate a timeline that is the timing parent of the animation object's timeline (see figs. 1 and 2, column 4, lines 3-16).

Therefore it would have been obvious to one skilled in the art at the time of the invention to combine the properties of Comair and Cragun with French, because it would be used to express temporal transforms as well as spatial transforms within the graph structure, and to explicitly define the inheritance of a temporal context through a traversal mechanism (see French, column 6, lines 15-22).

-Regarding claim 2, Comair et al. teaches an animation infrastructure further comprising an animation collection object class providing a container for a set of animation objects created from the animation object class (see figs. 2-5, 14 and 15, column 8, lines 28-51), the animation

collection object class including an interface (see fig. 17, column 13, line 63-column 14, line

22) supporting designating: animation collection properties (see column 14, line 61-column 15,

line 7) defining: the set of animation objects within an animation collection object (see figs. 3-7,

column 8, lines 27-51); a current status of the animation collection object (see fig. 2, column 4,

lines 20-34); and animation collection methods for: configuring the set of animation objects

within the animation collection object (see figs. 14 and 15, column 13, lines 11-45); and

retrieving a current animation collection value derived from individual values provided by the

set of animation objects (see figs. 6, 9 and 14, column 13, lines 11-45).

-Regarding claim 3, Comair et al. teaches an animation infrastructure further comprising

a key frame object class for specifying a key frame property within an animation object, the key

frame object class including: a set of properties enabling designating: a key spline; a key time;

and a value (see fig. 15, column 13, lines 11-45).

-Regarding claim 4, Comair et al. teaches an animation infrastructure further comprising

a key frame collection object class for specifying a set of key frame objects for specifying a

sequence of frames within a timeline for an animation object (see fig. 15, column 13, lines 11-

45).

-Regarding claims 5-9, Comair et al., Cragun et al. and French et al. do not directly teach

an animation infrastructure wherein a float animation objects class provides a time changing

floating-point value, a double animation objects class provides a time-changing double precision

floating point value, a rectangle animation object class provides a time-changing top, left

position of a defined rectangle, a color animation objects class provides a time-changing color

value, and a Boolean animation class provides a time-changing Boolean value. However these

functions are well known in the art, therefore it would have been obvious to one skilled in the art at the time of the invention to use said functions in combination with Comair et al., Cragun et al. and French et al., because it allows for more accurate modeling of the real world (see column 2, lines 18-31).

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Enrique L Santiago whose telephone number is (571) 272-7648. The examiner can normally be reached on Monday to Thursday from 6:30 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark K. Zimmerman whose telephone number is (571) 272-7653, can be reached on Monday to Friday from 7:00 A.M. to 3:30 P.M.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Faxed to: 571-273-8300

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Enrique L. Santiago

May 10, 2006

MARK ZIMMERMAN
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